

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

CHARLESTON DIVISION

THOMAS RAMEY JR.,

Petitioner,

v.

CIVIL ACTION NO. 2:13-cv-23684
(Criminal No. 2:12-cr-00154)

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

Pending before the Court is Petitioner's Motion under 28 U.S.C. § 2255 to Vacate, Set Aside, or Correct Sentence by a Person in Federal Custody (the "Petition"). (ECF No. 30.) By Standing Order filed in this case on October 1, 2013, this action was referred to United States Magistrate Judge R. Clarke VanDervort for submission of proposed findings of fact and recommendations for disposition. (ECF No. 33.) On January 6, 2016, the Clerk entered an order transferring the referral of this case to United States Magistrate Judge Omar J. Aboulhosn. (ECF No. 38.) On May 5, 2016, Magistrate Judge Aboulhosn filed his proposed findings of fact and recommendations for disposition (the "PF&R"), in which he recommends that the Court deny the Petition and remove this matter from the Court's docket. (ECF No. 41.)

The Court is not required to review, under a de novo or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of de novo review and the Plaintiff's right to appeal this

Court's order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Objections to the PF&R in this case were due by May 23, 2016. (*See* ECF No. 41 at 14–15.) To date, no objections have been filed.

Accordingly, the Court **ADOPTS** the PF&R, (ECF No. 41), **DENIES** the Petition, (ECF No. 30), **DISMISSES** this case, and **DIRECTS** the Clerk to remove this matter from the Court's docket.

IT IS SO ORDERED.

The Court **DIRECTS** the Clerk to send a copy of this Memorandum Opinion and Order to counsel of record and any unrepresented party.

ENTER: September 28, 2016



THOMAS E. JOHNSTON
UNITED STATES DISTRICT JUDGE